IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.20365 of 1997

Dated: 25-01-2007

Between:

R. Rajeswar Reddy, s/o Laxmikantha Reddy,
aged about 40 years, r/o 16-9-402/1,
Water tank lane, Old Malakpet,
Hyderabad – 36.

... Petitioner

and

The Director of Intermediate Education,
Government of Andhra Prdesh, Hyderabad.

... Respondent

ORDER:

This petition is filed seeking *mandamus* declaring that non-supply of a copy of the audit report, dated 29-07-1993 to the petitioner, which formed the basis for issuance of Notice, dated 30-12-1993 in Rc.No.1173/JC9-2/92 and Notice, dated 30-04-1997 in Rc.No.1173/
JC9-1/92 served on petitioner on 22-05-1997, as illegal and violative of Sections 48 and 49 of the A.P. Educational Act,

apart from violative of principles of natural justice and Article 14 and 16 of the Constitution of India and further declare that no action can be taken against petitioner based on the audit report, dated 29-07-1993.

2. It is the case of petitioner that he is a member of Noble Education Society, which was registered in the year 1982 and pursuant to the permission accorded by the Government; the said Society started Noble Junior College in 1982 and petitioner became the Secretary of the said college during 1993. It is stated that in 1993, a Special Audit Party of respondent audited the accounts of the said college and the said audit party had taken complete records of the College. It is further stated that respondent issued notice dated 30-12-1993, asking to show cause as to why a Special Officer shall not be appointed for the lapses pointed out in the audit report. According to petitioner even though he submitted representations dated 10-01-1994 and 29-12-1996, respondent without supplying a copy of audit report, appointed a Special Officer illegally and issued notice, dated 30-04-1997 directing him to repay Rs.13,00,000/- alleged to be the misappropriated amount portion of his share.

3. Heard learned counsel for the parties.

4. Respondent filed a detailed counter affidavit. From a perusal of the counter affidavit filed by respondent it is clear that there are serious lapses on the part of the management of Noble Education Society, which is running the junior college. Though the grant-in-aid was granted in

favour of the said college with effect from 01-04-1991, the management has collected various amounts under various heads from the students, staff as well as the public. Further, on account of the severe irregularity, it was thought it fit to take over the management and accordingly the management of the college was taken over and a special audit was also conducted, during the course of which, it came to light that there was misappropriation by the management of the college.

5. The grievance of petitioner is that a copy of the audit report, dated 17-09-1993, which is the basis for issuance of notice, dated 30-12-1993,
is not served on him. In fact, respondent, in his counter affidavit answered this in the following manner:

> "Subsequently the management of the college has requested the Commissioner and Director of Intermediate Education to supply copies of audit report and enquiry report. In response to their request they have been requested to come over to this office and verify the records, which were seized by the departmental auditors vide director's proceedings Rc.No.1173/JC9-1/92, dated 10-07-1997. But the petitioner has not approached the office for obtaining the required information so far."

6. In the light of the statement made by respondent it is clear that petitioner having not chosen to go to the office to verify the records had approached this Court with unclean hands and filed the present writ petition with malafide intention. Accordingly, I see no merits in this writ

petition.

7. In the result, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.25-01-2007
GLV